

## **PROBATE CALENDAR NOTES**

**July 31, 2020**

**8:30 AM, Department 40**

**Placer County Superior Court**

**UPDATED July 28, 2020, 11:15 AM**

**All current local court COVID-19 information is at <http://www.placer.courts.ca.gov/general-covid-19.shtml>. In particular, please note:**

**Local Rule 10.28, "Remote Appearances—COVID-19 State of Emergency Temporary Rule," enacted April 6, 2020, requires remote telephone appearances for most court hearings. See Local Rule 10.28 for more details.**

**Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties.**

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **July 31, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.


Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

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### **1. S-PR-0000148 James, Mary Nickel - In Re the Estate of**

Appearance is required for continued hearing.

Current status is needed.

 As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**2. S-PR-0004831 Garibaldo, Gustavo - In Re the Special Needs Trust of**

Petition to use special needs trust funds to fund conservatorship attorney fees is recommended for approval as prayed.

**3. S-PR-0008239 Kendall, Norman R; In re the estate of**

Appearance is required for hearing concerning status of settlement.

Current status is needed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**4. S-PR-0008280 Baxley, Wayne Stanley - In Re the Estate of**

Supplement to petition materially changes the relief requested in the petition and, thus, appears to be an amendment to the petition. New notice and service should be required. C.R.C. 7.53.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**5. S-PR-0008966 Paul & Yueh Yun Chou Fam Rev Liv Trust; In re the**

Clarification is requested: account period closed nearly 8 months prior to the filing of the petition, without explanation.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**6. S-PR-0009047 Donovan, Pat - In Re the Estate of**

Petition for final distribution is recommended for approval as prayed.

**7. S-PR-0009061 Smith, Emma Whitaker - In Re the Estate of**

Clarification is needed: petitioner argues that paragraph Fifth controls distribution of the securities and dividends. The calculation of shares for George Smith and Edward Smith appears to be incorrect under Prob.C. § 21111(b). However, the final two sentences of paragraph Third (final two sentences) may support petitioner's proposed distribution. Petitioner should clarify whether the final sentences of

paragraph Third should apply and, if not, whether a revised proposed distribution per paragraph Fifth is required by § 21111(b).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**8. S-PR-0009374 Sagaria, Scott Joseph - Estate of**

Missing notice of hearing of second / final practice administrator account.  
Missing service of notice of hearing.

Clarification is needed: summary of account and account information for the separate practice accounts show that IOLTA account (-7202) should have a positive balance of more than \$102,000, and the regular account (-1025) should have a negative balance of more than \$83,000. It is unclear how petitioner reconciled the expenditures in the different accounts. Note that there is no bank statement for the end of the account period supporting the property on hand.

**9. S-PR-0009391 Smith, Michael J.-In Re Estate of**

Petition for final distribution is recommended for approval as prayed.

**10. S-PR-0009629 Peter Paine Liv Trust; In re the**

It is recommended the settlement agreement be approved as prayed and all pending petitions / motions be dropped from calendar.

**11. S-PR-0009705 Roenicke, Mark L. - In Re the Estate of**

Personal representative response is needed: attorney creditor claim was never rejected or accepted by personal representative, or presented to the court for acceptance or rejection.

Creditor response is needed: claim appears to seek improper interest-upon-interest. Orders dated August 2010, March 2013, February 2014 and July 2017 are shown with interest calculated through June 1, 2019. Thereafter, creditor appears to seek interest on the June 1 total of both principal and interest, resulting in a charge of interest-upon-interest. Ongoing interest applies only to principal until a judgment has been properly and timely renewed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**12. S-PR-0009792 Darrell Spence Fam Trust; In re the**

It is recommended the continued hearing on the petition to rescind the trust be dropped in light of the notice of settlement of entire case.

The reserved hearing for the motion to bifurcate should be dropped: no moving papers were filed.

**13. S-PR-0009862 Boyle, Carla - In re the Estate of**

Petition for final distribution is recommended for approval as prayed.

**14. S-PR-0009929 Stetter, Charles G Jr; In re the estate of**

Clarification is needed: disclaimer by Victoria Stetter does not clarify whether she has issue. If Veronica has issue, her disclaimed interest likely does not pass to petitioner.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**15. S-PR-0009937 Anderson, Elizabeth Ann - In re the Estate of**

Revised prayer and proposed order. Prayer for distribution is contrary to the will. The will provides that the entire estate is to be distributed to the trustee of decedent's inter vivos trust. This *decedent's estate* may not be distributed directly to *trust* beneficiaries.

It is recommended that new notice and service also be required under C.R.C. 7.53.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**16. S-PR-0010054 Sivertson, Kimberly Kay Kendall - In Re Estate of**

Petition to administer estate (probate will) (Kendall)

Appearance is required for continued hearing on petition to administer estate.

Spousal property petition (T Sivertson)

Appearance is required for continued hearing on spousal property petition. The petition depends on the allegation of intestacy (¶ 4c); however, Trevor Sivertson's petition for probate appears to concede decedent left a valid will. It is recommended this petition be denied without prejudice to filing an amended petition, if appropriate.

Second-amended petition to administer estate (probate will) (T Sivertson)

Appearance is required for hearing on second-amended petition to administer estate. Note: the petition fails to indicate that it is Trevor Sivertson's second-amended petition. (Previous petitions were filed January 31 and June 3, 2020.)

Court determination needed as to sufficiency of notice and publication: notice, as filed, served, and published, does not include any reference to the second-amended petition to administer estate.

Because the petitions to administer estate both appear to concede that the will is valid, the only substantive questions appear to be who should be appointed and the amount of bond. Priority for appointment appears to be controlled by Prob.C. § 8441(b). The parties should address whether trial is required to adjudicate these legal issues.

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**17. S-PR-0010106 Baddley, Craig Degray ; In re the Estate of**

Amended petition to determine real property succession is recommended for approval as prayed. Any proposed order should specify that the 1/3 shares attributable to Ty Baddley and Miranda Baddley pass to petitioner as guardian of the estate of each minor.

**18. S-PR-0010145 Mulanix Fam Rev Liv Trust ; In re the**

Appearance is required for continued trust hearing.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**19. S-PR-0010147 Wenge, Fredrik Osvald ; In re the Estate of**

Missing proof of will. Original will is not self-proving (witnesses did not execute a declaration or affidavit).

Petitioner is not named in the will as executor. If appointed, petitioner will serve as administrator with will annexed.

Missing required allegations at ¶ 5a(3)-(4) (RDP) and (7)-(8) (issue of predeceased child(ren)). Petitioner's amendatory declaration introduced a conflict in ¶¶ 5, 6 and 8.

Use of ¶ 6 constitutes an affirmative allegation that decedent left no issue. However, petitioner identifies herself as a child of decedent. Clarification is needed.

Missing signed duties form (DE-147). Clerk cannot issue letters until signed duties form is filed, C.R.C. 7.150.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**20. S-PR-0010224 Cannarozzi, Joanne B – In re the Estate of**

Missing notice of hearing on petition to administer estate. Missing service of notice of hearing.

Missing proof of will. Original will is not self-proving (witnesses did not execute a declaration or affidavit).

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**21. S-PR-0010226 Miller Rev Liv Trust; In re the**

Petition to determine trust property is recommended for approval as prayed.

**22. S-PR-0010307 Jhala, Gita - In re the Estate of**

Missing Attachment 3g(1)(c), nomination for petitioner to serve as administrator with will annexed. See ¶ 3g(1)(c).

Missing waivers of bond by Sanjay Mishra, Vijay Mishra, Mita Robertson, and Illa Mishra. Will does not waive bond as to proposed administrator with will annexed.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**23. S-PR-0010311 Huguette N Burnett Rev Trust; In re the**

It is recommended the petition to surcharge trustee be continued to September 4, 2020, to be heard with the pending demurrer and motion to strike.

Note: the court executed the stipulation and order to consolidate this case with S-PR-0010194 *In re the Huguette N Burnett Rev Trust*, but the clerk's office has not yet been able to complete the consolidation.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**24. S-PR-0010312 Lee, Michael Nicholas; In re the Estate of**

Additional information is needed: a pending claim in favor of the estate is an asset of the estate and it may have a value that can be appraised. (See CEB FIDUCIARY ACCOUNTING HANDBOOK § 4.26.) Because no bond waivers were filed, additional information is needed concerning the pending claim, including the nature of the claim and the likelihood of recover, before the court determines whether bond may be waived.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**25. S-PR-0010313 Severance 2003 Rev Liv Trust ; In re the**

Petition to appoint successor trustee is recommended for approval as prayed.

**26. S-PR-0010335 Carolina B Gomez Spec Needs Trust; In re the**

Missing notice of hearing on petition to suspend trustee and for other relief.  
Missing service of notice of hearing on petition to suspend trustee and for other relief.

☎ As described above, to appear for the hearing, use of remote telephone appearance system is generally required. See Local Rule 10.28 or contact the clerk's office for information.

**27. S-PR-0010337 Beneke, Randy Edward ; In re the Estate of**

Petition to administer estate is recommended for approval as prayed.

**28. S-PR-0010351 Toni Anne Vager Rev Liv Trust - In re the**

Missing notice of hearing on mandatory Judicial Council form DE-115. The relief requested in this petition falls within Prob.C. § 850(a)(3)(B), and use of the mandatory form is required. C.R.C. 7.101. Notice filed July 20 omits the information required by Prob.C. § 851(c)(1) & (e).

Missing verification to petition, Prob.C. § 1021.

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